

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GABRIEL GOMEZ, individually and on behalf of all others
similarly situated,

Plaintiff,

-against-

OXYGEN HOOKAH & SMOKE INC. and MARWAN A.
MAHDI, as an individual,

Defendants.
-----X

**DEFAULT
JUDGMENT**

1:20-cv-06688 (JPO)

This action was commenced by the filing of the Summons and Complaint on August 20, 2020. (See Complaint attached hereto as **Exhibit A**). Copies of the Summons and Complaint was served by personal delivery on Defendants as follows:

1. On August 26, 2020, copies of the Summons and Complaint were served on Corporate Defendant OXYGEN HOOKAH & SMOKE, INC. at 81 E Burnside Avenue, Bronx, New York, 10453 upon on JOHN DOE (REFUSED FULL NAME). (See Proof of Service form attached hereto as **Exhibit B**).
2. On August 26, 2020, copies of the Summons and Complaint were personally served on Defendant MARWAN A. MAHDI at 81 E Burnside Avenue, Bronx, New York, 10453 upon on JOHN DOE (REFUSED FULL NAME). (See Proof of Service form attached hereto as **Exhibit C**).
3. Defendant MARWAN A. MADHI failed to develop any information that he was in the military upon service of process. Upon information and belief, Defendant MARWAN A. MAHDI is not in the military nor dependent upon anyone in the military.

4. Upon information and belief, Defendant MARWAN A. MADHI is not an infant nor incompetent. Upon information and belief, Defendant MARWAN A. MADHI is an adult and is the owner of the Defendant corporate entity sued within.
5. Defendants OXYGEN HOOKAH & SMOKE, INC. and MARWAN A. MADHI were to interpose their answer by September 16, 2020. Defendants have failed to interpose an answer.
6. Defendants have been properly served and are aware of the Complaint against them. At no point in this matter have Defendants retained or been represented by counsel, nor have Defendants formally appeared in this matter.
7. On January 11, 2021, counsel for Plaintiff GABRIEL GOMEZ filed a Request for Certificate of Default as against Defendants OXYGEN HOOKAH & SMOKE, INC. and MARWAN A. MADHI, and such Default was noted by the clerk of the Court on January 12, 2021. (Entry of Default is attached hereto as **Exhibit D**).
8. Defendants have failed to appear in this matter since the certificate was issued.
9. Defendant MARWAN A. MADHI has been properly served and is aware of the Complaint against him, and has failed to provide a response.
10. Corporate Defendant OXYGEN HOOKAH & SMOKE, INC. has been properly served, is aware of the Complaint in this matter, and has failed to provide a response.

ORDERED, ADJUDGED AND DECREED: That Plaintiff GABRIEL GOMEZ has a judgment against Defendants OXYGEN HOOKAH & SMOKE, INC. and MARWAN A. MADHI, as an individual, jointly and severally, in the liquidated amount of \$257,902.86.

Dated: New York, New York

May 3, 2021



J. PAUL OETKEN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Case No.: **1:20-cv-06688 (JPO)**

GABRIEL GOMEZ, individually and on behalf of all others
similarly situated,

Plaintiff,

-against-

OXYGEN HOOKAH & SMOKE INC. and MARWAN A.
MAHDI, as an individual,

Defendants.

PROPOSED DEFAULT JUDGMENT ORDER

HELEN F. DALTON & ASSOCIATES, P.C.

Attorneys for Plaintiff

80-02 Kew Gardens Road, Suite 601

Kew Gardens, New York 11415

Phone (718) 263-9591

Fax (718) 263-9598

TO:

OXYGEN HOOKAH & SMOKE INC.

81 E BURNSIDE AVENUE
BRONX, NEW YORK, 10453

MARWAN A. MAHDI

81 E BURNSIDE AVENUE
BRONX, NEW YORK, 10453

WITH COPY TO:

Attn: Judgment Clerk's Office
United States District Court
Southern District Of New York
500 Pearl Street, Room 120
New York, New York 10007

Tel.: (212) 805-0136

orders_and_judgments@nysd.uscourts.gov

Honorable J. Paul Oetken

Room 2101

40 Foley Square

New York, NY 10007

Tel.: (212) 805-0266

OetkenNYSDChambers@nysd.uscourts.gov